

August 23, 2014  
Freedom of Information Officer (6MD-OO)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

**Sent by Fax to Region 6 at (214) 665-2146, Attention: FOIA Officer.**

**Re: Freedom of Information Act Request – EPA Model for KAFB jet fuel spill**

Dear FOIA Officer:

Under the Freedom of Information Act, 5 U.S.C. § 522, Citizen Action New Mexico is requesting access to a full and complete copies of documents in any form, whether from correspondence, memoranda, emails, calendars, tape recordings, all electronic or handwritten communications, notes or handout documents. This would include all documents and communications from and or between the Environmental Protection Agency (“EPA”), Sandia National Laboratories, the Department of Energy (“DOE”), the New Mexico Environment Department (“NMED”), and/or other state and federal entities and any of their contractors. This would include all attachments, maps, graphs, figures, tables and references to those documents:

- 1) Requests from the New Mexico Environment Department that EPA 6 do 3d modeling for any aspect of the Kirtland jet fuel spill.
- 2) Documents for any EPA-6 modeling runs made from any software used by the USEPA prior to or subsequent to the November 16, 2013 modeling document entitled Simulated Mass Transport of 1,2 Dibromoethane in Groundwater of Southeast Albuquerque, New Mexico (“Model”) by Scott Ellinger (September 16, 2013) for the Kirtland AFB jet fuel spill.
- 3) Documents indicating what portions with regard to specific modeling software, data value(s) including but not limited to, model input parameters, were used by Ellinger for the Model.
- 4) Include documents for any discussions with personnel from EPA at any location, EPA affiliates, the Albuquerque Bernalillo County Water Utility Authority, the Agency for Toxic Substances and Disease Registry, contractors, technical experts, AFCEC, and/or the New Mexico Environment Department (NMED) about or leading to any 3d model input value for which there is/was uncertainty. Include documents regarding uncertainty for the degradation rate of EDB, and all other issues of uncertainty, including but not limited to, groundwater monitoring coverage, values for specified head boundaries, future groundwater pumping rates and well locations, potential installation of recovery wells, and data for model validation cited by Ellinger at p. 63 of the Model report.
- 5) Documents regarding communications between any persons involved in the modeling process with elected or appointed political officials, EPA-6 employees or EPA administrators, with any reference to the Kirtland jet fuel spill.
- 6) Provide documents from EPA Press Contacts at Region 6 for any media (newspaper, television, radio or news-service) individual or organization regarding the Kirtland AFB jet fuel spill and specific communication with John Fleck of the Albuquerque Journal.
- 7) Provide any models that show the boundaries of the Kirtland AFB jet fuel plume at the limit of detection of 10 parts per trillion.

Citizen Action New Mexico is a special interest citizen-based organization that publishes or disseminates information that will be beneficial to the public as well as for operations of the government, scientific and potential regulatory purposes; therefore, I am requesting a waiver of all fees associated with this request. Disclosure of the requested information is in the interest of the public as it is likely to contribute significantly to public knowledge and education; public health issues; and other concerns frequently cited by members of the public (\*please refer to Section 2). This request is not in our commercial interest nor are we a business attempting to collect information on industrial competitors.

Section 1.

Please note the following information:

1. Citizen Action is a non-profit citizen group under the fiscal auspices of the New Mexico Community Foundation (NMCC), Santa Fe, New Mexico. Citizen Action represents at least 16-non-governmental organizations (NGOs) and neighborhood associations as a part of its coalition. The organizations within the coalition include: Southwest Research and Information Center (SRIC); Citizens for Alternatives to Radioactive Dumping (CARD); Peace Action New Mexico (PANM); Progressive Albuquerque Network (PAN); Southwest Organizing Project (SWOP); Native Forest Network (NFN); Center for Action and Contemplation (CAC); Green Party of New Mexico; Bernalillo County Green Party; International Depleted Uranium Study Team (IDUST); Living Rivers; Forest Guardians; Mountain View Neighborhood Association; South Meadows Neighborhood Association; New Mexico Solidarity Network (NMSN); and Stop The War Machine (STWM).
2. Citizen Action's work on issues at SNL/NM and KAFB has been funded both by private donations from individuals and through several foundations that include the Citizen's Monitoring and Technical Assessment Fund (CMTA); the McCune Charitable Foundation; the Ploughshares Fund; NewCycle Foundation; and the New Mexican's Sustainable Energy and Effective Stewardship (NMSEES).
3. Citizen Action's interactive website ([www.radfreenm.org](http://www.radfreenm.org)) contains a partial listing (29 entries) of information from previous documents obtained by our organization under the Freedom of Information Act (FOIA). The contact information for the University of New Mexico Zimmerman Library, U.S. Department of Energy Reading Room, where the entire collection of FOIA documents is available for public review, is also posted on our website.
4. Citizen Action's website receives on average between 8,000 - 10,000 hits per month. In addition to posting independent technical reviews of the Mixed Waste Landfill, press releases, newspaper articles, action alerts, related lawsuits, and meeting announcements the results of FOIA requests are summarized and posted on the Citizen Action website.
5. Citizen Action is expanding its research on legacy waste sites at SNL/NM and KAFB to other concerns regarding weapons activities and programs currently being conducted at SNL/NM and KAFB.



6. Citizen Action sends press releases to the local media announcing the results of FOIA reviews for further dissemination of this information to the public. Citizen Action also makes appearances on television and radio programs and disseminates information obtained from FOIA requests.

7. Citizen Action maintains an active and rapidly growing e-list serve and member mailing list to provide updated information on issues at KAFB and SNL/NM. We network with other groups in disseminating information on KAFB and SNL/NM issues such as neighborhood organizations, clubs, churches, schools, unions, businesses, and other non-governmental organizations

8. As we have done in the past, information obtained from previous FOIA requests are shared with the New Mexico Environment Department (NMED).

#### Section 2.

We are requesting the full disclosure of the information requested under this FOIA as this information will:

- 1) Fulfill the public's right-to-know about SNL/MWL's and KAFB's permit history and requirements for compliance with the Resource Conservation and Recovery Act ("RCRA"). This will enhance knowledge of current and past government operations involving the SNL MWL and KAFB.
- 2) Provide, in the spirit of openness and transparency, responses to questions from the public concerning SNL/NM's and KAFB's future programs and activities;
- 3) Enhance the general public's understanding of government operations at SNL/NM and KAFB;
- 4) Provide information that may affect regulatory issues and oversight by the NMED concerning future programs and activities at KAFB and SNL/NM, and the potential impact of these programs and activities on surrounding communities;
- 5) Provide information about programs and activities at KAFB and SNL/NM that may potentially have an impact on the Albuquerque regional aquifer;
- 6) Provide members of the public with information that may potentially relate to important matters of public health and protection of the environment concerning KAFB and SNL/NM's future plans for activities and programs conducted at the lab.

Citizen Action New Mexico is requesting a full fee waiver for all items requested under this FOIA request with the EPA as the agency solely responsible for any costs associated with this request at no cost to the taxpayer or the requester. We hope this information is sufficient for you to assess our request for a fee waiver.

If all or part of our request is denied, please cite each specific exemption that justifies your refusal to release the requested information, and please notify me of appeal procedures available under the law. If you have any questions about the handling of this request or the information requested therein you may call me at (505) 262-1862. Thank you very much.

As the FOIA requires, Citizen Action will look forward to a response from EPA within 20 days. Feel free to contact us by telephone if there are any questions.

Sincerely,

David B. McCoy, Director  
Citizen Action New Mexico

P.O. BOX 4262

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